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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/034,826

12/28/2001

Garrett Holmes

DKT 00054A
(BWI-00055)

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01/10/2006

Patent Administrator
BorgWarner Inc.
3850 Hamlin Rd.
Auburn Hills, MI 48326

EXAMINER

DONOVAN, LINCOLN D

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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NOV 29 2005

In re Application of:

HOLMES *et al.*

Serial No.: 10/034,826

Filed: December 28, 2001

Attorney Docket No.: DKT 00054A (BWI-00055)

DECISION ON PETITION

This is a decision on the petition filed June 29, 2005. The petition has been treated as a petition to withdraw the holding of abandonment of the above-identified application under 37 C.F.R. § 1.181, and to remail the final Office action mailed on October 18, 2004. No petition fee is required.

The petition is **GRANTED**.

The petitioner asserts that the final Office action mailed on October 18, 2004 was not received. It is further asserted that a check of the PAIR system revealed that the Office action had been returned to the USPTO as undeliverable.

M.P.E.P. 707.13 states in part:

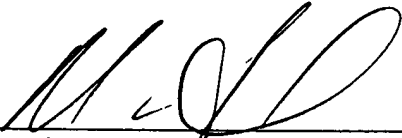
Letters are sometimes returned to the Office because the United States Postal Service has not been able to deliver them. The examiner should use every reasonable means to ascertain the correct address and forward the letter again, after stamping it "remailed" with the date thereof and redirecting it if there be any reason to believe that the letter would reach applicant at such new address. If the Office letter was addressed to an attorney, a letter may be written to the inventor or assignee informing him or her of the returned letter. The period running against the application begins with the date of remailing. Ex parte Gourtoff, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924).

A review of the record shows that a final Office action was mailed on October 18, 2004, and returned by the United States Postal Service to the United States Patent and Trademark Office on November 08, 2004. From the review of the official record, it does not appear that an attempt to remail the final Office action was made. Accordingly, the final Office action was not remailed pursuant to M.P.E.P. § 707.13.

For the above stated reasons, the petition is granted.

The application file is being forwarded to the Technology Center 2800 support staff for re-mailing the final Office action dated November 04, 2004. The shortened statutory period for response set therein will be reset to run three months from the date the final Office action is remailed.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (571) 272-1594.



Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components